

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. by Mayor Bush and was followed by the Pledge of Allegiance.

2. FLAG PRESENTATION

Officers Jay Seiler, William Coyne and Charles Forrest presented the folding of the flag to Council.

3. ROLL CALL

Present were Mayor Bush, Vice-Mayor Venis and Councilmembers Cox, Kiar and Santini. Also present were Town Administrator Flatley, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

4. OUTGOING MAYOR'S MESSAGE

Mayor Bush discussed the Town's accomplishments during his tenure as Mayor. He thanked his wife and staff for their support. Mayor Bush added that it had been a great pleasure to serve with Council.

5. SELECTION OF MAYOR

Councilmember Kiar nominated Councilmember Venis as Mayor. The nomination was seconded by Councilmember Santini. No other nominations were made. In a roll call, the vote was as follows: Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes; Councilmember Santini - yes; and Councilmember Venis - yes. (Motion carried 5-0)

6. SELECTION OF VICE-MAYOR

Councilmember Santini nominated Councilmember Cox as Vice-Mayor. The nomination was seconded by Councilmember Bush. No other nominations were made. In a roll call, the vote was as follows: Councilmember Bush - yes; Councilmember Cox - yes; Councilmember Kiar - yes; Councilmember Santini - yes; and Mayor Venis - yes. (Motion carried 5-0)

INTERMISSION

The meeting recessed at 7:30 p.m. and reconvened at 7:45 p.m.

7. PRESENTATIONS

Service Awards

7.1 James Hamlet, Plant Operator I - Five Years

Mayor Venis presented Mr. Hamlet with a service award.

7.2 Paul Brugman, Police Officer - Ten Years

Mayor Venis presented Officer Brugman with a service award.

7.3 Herbert Hyman, Procurement Manager - Ten Years

Mayor Venis presented Mr. Hyman with a service award.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

From Council

7.4 Plaques for Kaye Pearson and Tim Sheehan

Mayor Venis presented Mr. Pearson and Mr. Sheehan with plaques for the efforts with the WestFair events. Mr. Pearson thanked the Town for the support provided. Mr. Sheehan also thanked Council for its support and he looked forward to the 1997 WestFair.

7.5 Joseph Luciani, Interim Building Official (September 12, 1995 to March 15, 1996)

Mayor Venis presented Mr. Luciani with a plaque for his service.

7.6 Participants in the Light Up Downtown Davie Program

Mayor Venis presented Certificates of Appreciation to Osborne Hardware, Davie Apostolic Church, Hitching Post Restaurant, Lums Restaurant, In The Darc Lighting & Sound Inc., AAA American Tire & Auto Repair and the Davie/Cooper City Chamber of Commerce for their participation in the program.

7.7 Indian Ridge Middle School

Mayor Venis indicated that the children would move into the middle school on Nob Hill Road over the winter break. He stated that the Enterprise Village would be at this school which would be completed in November or December.

8. COUNCILMEMBER COMMENTS

COUNCILMEMBER BUSH

Councilmember Bush had nothing to bring before Council.

VICE-MAYOR COX

ELECTION. Vice-Mayor Cox thanked Council for their support in electing her as Vice-Mayor.

LIGHT UP DAVIE PROGRAM. Vice-Mayor Cox recognized the individuals who participated in the Program which was an on-going program. She said that the Town would continue to encourage downtown businesses to light up their buildings.

TAKE-A-KID FISHING. Vice-Mayor Cox indicated that she attended the Take-A-Kid Fishing event and thanked Everglades Pro Bass for sponsoring the event.

DARE. Vice-Mayor Cox stated that she attended the DARE graduation at Davie Elementary.

COUNCILMEMBER KIAR

CONGRATULATIONS. Councilmember Kiar congratulated Mayor Venis and Vice-Mayor Cox on their election.

CHILD SAFETY BOARD/CHILD SAFETY DAY. Councilmember Kiar provided a history of the Board and indicated that the Board had worked hard on the coordination of the activities for the Child Safety Day scheduled for April 6th at the Robbins property. He discussed the activities that would be provided.

JIMMY RYCE TREE PLANTING. Councilmember Kiar stated that a tree planting ceremony would be held on April 2nd at 5:00 p.m. at the Robbins property.

COUNCILMEMBER SANTINI

FLAG PRESENTATION. Councilmember Santini thanked the Davie Police Officers and

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

Masons who presented the flag presentation and suggested that this be made an annual event.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

THANKS/CONGRATULATIONS. Councilmember Santini thanked former Mayor Bush for his support during her first year as a Councilmember. She congratulated Mayor Venis and Vice-Mayor Cox for their election.

POLICE ATHLETIC LEAGUE. Councilmember Santini stated that the Police Athletic League's spaghetti dinner was held before the Council meeting.

THANKS. Councilmember Santini thanked all Council and all those who had worked together to protect the Town.

MAYOR VENIS

THANKS. Mayor Venis thanked his colleagues for his selection as Mayor which he considered an extreme honor.

BUDGET ADVISORY COMMITTEE. Mayor Venis asked when this Committee would be meeting and recommended that the Committee discuss the new special assessment district for the emergency medical services. He asked if a report had been completed. Mr. Flatley indicated that the report was being worked on and a Committee meeting would be scheduled for the end of the month.

TRAFFIC. Mayor Venis stated that he had previously discussed a traffic problem in the Weston area and Broward County was still studying the area. He added that the County agreed that something needed to be done and he hoped for a final report on signalization in the next three to four weeks.

SHENANDOAH PARK. Mayor Venis advised that he had thrown the first ball at Shenandoah Park. He questioned if the scoreboard on top of the pavilion could be moved and relocated out in the field.

LITERARY CONTEST. Mayor Venis stated that he judged a literary contest at Indian Ridge Middle School and one finalist, Stephanie Bronson, would be going on to the County for the finals.

BLASTING. Mayor Venis reported on the Town's efforts in Pembroke Pines and it appeared that Pines did not want to hear complaints from the Town's residents. He advised that a possible solution was to prepare an interlocal agreement. Mr. Webber indicated that the Constitution and the Florida Statutes provided for the authority to enter into an interlocal agreement to allow the Town's jurisdiction to be used by Pembroke Pines for these purposes. Mayor Venis reported that Pines' contention was that it had no jurisdiction for Town complaints and he suggested that Pines officials be presented with the agreement. He suggested that after Council approved the interlocal agreement, a meeting be scheduled with Pines' Mayor Fekete.

BROOKWOOD HOME. Lori Glasser provided an update on the Brookwood Home and indicated that a grant would be received to keep the home open. She thanked Council for its assistance.

MULLER BABY. Lori Glasser updated Council on the insurance problem with Firefighter Muller's baby. She advised that the doctors and Miami Children's Hospital agreed to accept the balance that was not paid by the insurance company as a "one time only situation". Ms. Glasser advised that she and the Muller's spoke on radio station WFTL today and within two hours, the insurance company called and an agreement had been reached. She indicated that there was a "gag order" on the agreement which was the reason why the Muller's were not in attendance.

WAVERLY HUNDRED. Mayor Venis advised that the homeowner's association wanted to be included in the Arica Palm noise barrier project. He asked Mr. Flatley to contact the Department of Transportation to have them added.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

9. OCCUPATIONAL LICENSES

Home Occupational License

9.1 J.C.'s Trucking & Transport Corp., 5000 SW 51 Street

This item was tabled to April 2, 1996 later in the meeting.

Mayor Venis advised that item 10.26 needed to be tabled to April 2, 1996.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to table item 10.26 to April 2, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis advised that items 12.1, 12.4, 12.5, 12.6 and 14.2 needed to be tabled to April 2, 1996.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to table items 12.1, 12.4, 12.5, 12.6 and 14.2 to April 2, 1996. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10. CONSENT AGENDA

Minutes

10.1 February 21, 1996 - Regular Meeting

10.2 March 6, 1996 - Regular Meeting

Resolutions

R-96-75 10.3 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-117 FROM \$38,400 IN AMOUNT TO \$4,000; AND PROVIDING AN EFFECTIVE DATE. (Jasmine Lakes Association)

R-96-76 10.4 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A REQUEST FOR MITIGATION OF THE CODE ENFORCEMENT FINE IN CASE NO. 95-148 FROM \$24,450 IN AMOUNT TO \$4,000; AND PROVIDING AN EFFECTIVE DATE. (Speed Tech Racing Corp., d/b/a Broward Motorsport)

R-96-77 10.5 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE APPROPRIATE TOWN OFFICIAL TO ENTER INTO AN AGREEMENT BETWEEN THE DEPARTMENT OF JUVENILE JUSTICE, NOVA SOUTHEASTERN UNIVERSITY CENTER AND THE POLICE DEPARTMENT. (Program to counsel first time offenders of non-violent crimes and their families)

R-96-78 10.6 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 4

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

TO THE CONTRACT BETWEEN THE TOWN AND MANAGED LOGISTICS SYSTEM, INC. FOR GARAGE MAINTENANCE OPERATIONS, PROVIDING FOR A TARGET BUDGET AND AMENDING THE PARAMETERS FOR CERTAIN INCENTIVE BONUSES.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

- 10.7 TEMPORARY CONNECTION - A RESOLUTION OF THE TOWN OF DAVIE,**
R-96-79 FLORIDA, AUTHORIZING THE THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE, THE CITY OF HOLLYWOOD AND ATLANTIC COAST CORPORATION OF SOUTH FLORIDA, INC. REGARDING A TEMPORARY CONNECTION TO THE TOWN'S SEWER SYSTEM; AND PROVIDING AN EFFECTIVE DATE. (7500 Davie Road Extension)
- 10.8 UTILITY INSTALLATION - A RESOLUTION OF THE THE TOWN OF DAVIE,**
R-96-80 FLORIDA AUTHORIZING THE MAYOR TO ENTER INTO THE JOINT PROJECT AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR UTILITY INSTALLATION BY HIGHWAY CONTRACTOR FOR THE WIDENING OF GRIFFIN ROAD; AND PROVIDING AN EFFECTIVE DATE.
- 10.9 EVALUATION AND APPRAISAL REPORT - A RESOLUTION OF THE TOWN**
R-96-81 OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO TRANSMIT THE EVALUATION AND APPRAISAL REPORT FOR THE TOWN OF DAVIE COMPREHENSIVE PLAN TO THE STATE OF FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING AN EFFECTIVE DATE.
- 10.10 EXTENDING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-96-82 EXTENDING THE BID FOR METER READING SERVICES. (Municipal Meter Reading)
- 10.11 EXTENDING BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-96-83 EXTENDING THE BID FOR BASEBALL UMPIRE SERVICES. (South Broward Umpires Association)
- 10.12 LAW ENFORCEMENT TRUST FUND EXPENSE - A RESOLUTION OF THE**
R-96-84 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ACCEPT THE INFORMAL BID FOR PHONE SETS TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (Anixter, Inc - \$1,802/30 phone sets)
- 10.13 LAW ENFORCEMENT TRUST FUND EXPENSE - A RESOLUTION OF THE**
R-96-85 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ACCEPT THE INFORMAL BID FOR COMPUTER AND PHONE WIRING AND TELEPHONE SETS TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (Unique Communications - \$2,325)

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

**10.14 LAW ENFORCEMENT TRUST FUND EXPENSE - A
RESOLUTION OF THE
R-96-86 TOWN OF DAVIE, FLORIDA, TO OBTAIN TAPE TRANSCRIPTION
SERVICE AND AUTHORIZING SAME FROM THE LAW
ENFORCEMENT TRUST FUND ACCOUNT. (Stat Transcription - not to
exceed \$5,000)**

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

- 10.15 CREATING CLASS SPECIFICATION - A RESOLUTION OF THE TOWN OF**
R-96-87 DAVIE, FLORIDA, CREATING THE CLASS SPECIFICATION FOR AN EMS OPERATIONS COORDINATOR IN THE NON-REPRESENTED PAY AND CLASSIFICATION PLAN TO BE IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT.
- 10.16 LAW ENFORCEMENT TRUST FUND EXPENSE - A RESOLUTION OF THE**
R-96-88 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF A CANINE CAGE FOR THE DAVIE POLICE DEPARTMENT FROM THE LAW ENFORCEMENT TRUST FUND ACCOUNT. (American Aluminum Accessories, Inc. - \$1,407)
- 10.17 SPECIAL ASSESSMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-96-89 FLORIDA, ESTABLISHING A SPECIAL ASSESSMENT DISTRICT FOR THE INSTALLATION OF A PUBLIC WATER DISTRIBUTION SYSTEM FOR TRACT 16, SECTION 27, TOWNSHIP 50 SOUTH, RANGE 40 EAST OF FLORIDA FRUITLANDS CO. SUBDIVISION, RECORDED IN PLAT BOOK 2, PAGE 17 OF THE PUBLIC RECORDS OF DADE COUNTY, FLORIDA, TOGETHER WITH PORTIONS OF THE SOUTH ONE-THIRD OF THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 50 SOUTH, RANGE 40 EAST LESS THE ADJOINING PUBLIC AND PRIVATE RIGHTS-OF-WAY; ALSO KNOWN AS LOTS 1 THROUGH 136 OF SUNNYLANE FARMS (UNRECORDED), ALL OF SAID PROPERTY BEING WITHIN THE TOWN OF DAVIE; PROVIDING FOR THE MANNER IN WHICH SAID ASSESSMENTS ARE TO BE MADE; PROVIDING FOR WHEN THE ASSESSMENTS ARE TO BE PAID; DESCRIBING THE LANDS UPON WHICH THE SPECIAL ASSESSMENTS SHALL BE LEVIED; PROVIDING FOR THE TOTAL ESTIMATED COST OF THE IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.
- 10.18 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-96-90 FLORIDA, APPROVING AND EXECUTING THE THIRTEENTH AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS OF THE LOCAL OPTION GAS TAX IMPOSED BY THE BROWARD COUNTY LOCAL OPTION GAS TAX ORDINANCE.
- 10.19 INTERLOCAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,**
R-96-91 FLORIDA APPROVING AND EXECUTING THE AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

**ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL
ORDINANCE.**

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

- R-96-92 **10.20 BEAUTIFICATION GRANT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT FOR A HIGHWAY BEAUTIFICATION GRANT ADMINISTERED BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**
- R-96-93 **10.21 OPPOSITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXPRESSING OPPOSITION TO A PROPOSED FIXED RAIL TRANSIT SYSTEM FROM DADE COUNTY NORTH INTO BROWARD COUNTY AND EXTENDING INTO THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.**
- R-96-94 **10.22 SUBDIVISION PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING REVISIONS TO A SUBDIVISION PLAT; AND PROVIDING AN EFFECTIVE DATE. (DG 3-1-96, 2800 SW 130 Avenue)**
- R-96-95 **10.23 DESIGN/BUILD CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH JEFFREY IGOE ARCHITECTS FOR DESIGN/BUILD A CONCESSION STAND AT BAMFORD SPORTS COMPLEX.**
- R-96-96 **10.24 EASTSIDE COMMUNITY HALL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ATLANTIC COASTAL CONSTRUCTION, INC. TO DESIGN/BUILD THE EASTSIDE COMMUNITY HALL.**
- R-96-97 **10.25 LEGISLATIVE PRIORITIES - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA WHEREAS THE TOWN OF DAVIE IS IN SUPPORT OF SELECTED LEGISLATIVE PRIORITY ISSUES FOR THE 1996 LEGISLATIVE SESSION; AND PROVIDING AN EFFECTIVE DATE.**
- 10.26 **SETTLEMENT AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT WITH WALTER HAMILTON FORMAN, ET AL. CONCERNING CERTAIN SPECIAL ASSESSMENTS WHICH WERE LEVIED FOR ROADWAY AND DRAINAGE IMPROVEMENTS IN THE GENERAL AREA OF 47TH AVENUE, OAKES ROAD AND BURRIS ROAD WITHIN THE TOWN OF DAVIE; AND PROVIDING AN EFFECTIVE DATE.**

RECOMMENDATION: Approval

Councilmember Santini asked that item 10.25 be removed from the Consent Agenda Councilmember Kiar asked that item 10.23 be removed. Mavor Venis asked

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

that items 10.5 and 10.21 be removed. An unidentified man (Arthur Joseph) asked that item 10.22 be removed. An unidentified man asked that item 10.17 be removed

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve the Consent Agenda without items 10.5, 10.17 10.21, 10.22, 10.23, and 10.25. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

10.5 Assistant Police Chief Robert McDaniel explained Broward County sponsored a juvenile diversionary program which dealt with first time, juvenile offenders of non-violent crime; however, this program had not been funded for this year. He advised that Nova Southeastern University had agreed to help in this area and introduced Dr. Vincent Van Hasselt, Professor of Psychology and Director of Interpersonal Violence Program. Dr. Van Hasselt explained the program which was a collaboration between the University and the Town's Police Department. Assistant Chief McDaniel advised that this was a no cost item to the Town.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.21 Mayor Venis stated that this resolution stated the Town's opposition to the Metro Rail system going through the Town's western area or University Drive. He added that the Town felt that the system would be more suitable by the Turnpike.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.22 Ms. Mellgren explained the resolution. Vice-Mayor Cox asked that staff discuss the canal issue with her before the culvert agreement was made.

Councilmember Bush made a motion, seconded by Councilmember Kiar, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.17 Mayor Venis indicated that the cost had come in at \$10,000 lower than anticipated. Daniel Colabella, Director of Utilities, advised that all fees would be recouped through the special assessment. He added that 62 homes and Seminole Health Club would be receiving water service from the City of Sunrise, however, the Town would be providing the engineering and the assessment program.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.23 Councilmember Kiar stated that the residents were looking forward to the concession stand being built. Councilmember Santini added that bathrooms would also be provided.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve item 10.23. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

10.25 Councilmember Santini asked that "any willing provider" be added to the insurance list.

Councilmember Santini made a motion, seconded by Councilmember Bush, to

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

approve item 10.25 with the addition of “any willing provider”. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

9.1 Mayor Venis advised that a request had been made to table this item until April 2, 1996.

Vice-Mayor Cox made a motion, seconded by Councilmember Kiar, to table. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

11. SITE PLANS

11.1 SP 11-7-95, Superstop/Stirling Road Trust, 5411 Stirling Road (B-2) Planning and Zoning Division approval subject to the planning report; Site Plan Committee recommend approval subject to the planning report, recessing the dumpster approximately 5 feet into the landscaped area, adding a 2 1/2 foot high berm 6 to 8 feet away from the dumpster wall, utilizing 7 gallon, 5 to 6 feet high Podocarpus hedge, planted 3 feet on center around the dumpster enclosure, adding five wax myrtles, eight feet by six feet wide, at 12 foot centers in a semi-circle at 10 to 12 feet behind the dumpster on the southeast side, relocating the oak tree, providing an 8 foot wall along the west 92 feet of the north property line, adding 30 3-gallon, 24-inch high wax myrtle hedge on the 60 feet along SW 59 Street, and eliminating the 43 hibiscus plants.

Paul Lingerfeldt, representing the applicant, was present. Ms. Mellgren read the planning report.

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve item 11.1 with the Site Plan Committee recommendations. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

12.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO R-2; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 10-1-95, 5390 SW 58 Avenue) (tabled from March 6, 1996)

This item was tabled to April 2, 1996 earlier in the meeting.

96-12 12.2 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-5 TO CF; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 1-2-96, 1380 SW 124 Avenue)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Al Tyler, 8090 SW 19 Court, questioned why item 12.1 was tabled. Mr. Webber

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

explained that the applicant had requested the tabling as the variance application was currently being challenged in court.

Mayor Venis closed the public hearing.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12.3 **REVIEW FOR REZONINGS - AN ORDINANCE OF THE TOWN OF DAVIE,**
96-13 **FLORIDA, AMENDING THE LAND DEVELOPMENT CODE OF THE TOWN BY AMENDING SECTION 12-307 OF THE CODE ENTITLED "REVIEW FOR REZONINGS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12.4 *PLANNING AND ZONING BOARD TABLED TO MARCH 27, 1996; COUNCIL CAN TABLE TO APRIL 2, 1996*

LAND USE PLAN AMENDMENT - LA BC 96-1, Goray Development Company/Chase Federal Bank, FSB, generally located on the south side of State Road 84 between Scarborough Drive and Hiatus Road (from 36 acres at R-5 and 7 acres of Commercial to 43 acres of R-10)

This item was tabled to April 2, 1996 earlier in the meeting.

12.5 *PLANNING AND ZONING BOARD TABLED TO MARCH 27, 1996; COUNCIL CAN TABLE TO APRIL 2, 1996*

REZONING - ZB 11-4-95, Craven Thompson and Associates, Inc./Florida Dairy Farmers Association, 4500 Oakes Road (M-1, County, to M-3, Davie) (tabled from February 21, 1996)

This item was tabled to April 2, 1996 earlier in the meeting.

12.6 *PLANNING AND ZONING BOARD TABLED TO MARCH 27, 1996; COUNCIL CAN TABLE TO APRIL 2, 1996*

VARIANCE - V 1-3-96, Chen, 10680 SW 40 Manor (A-1) (to increase the allowable fence height from 6 feet to 10 feet along the south property line) Planning and Zoning Division approval subject to the planning report

This item was tabled to April 2, 1996 earlier in the meeting.

12.7 **REZONING - ZB 2-1-96, Associated Engineers and Surveyors, Inc./Nichols, 5021 SW 51 Street (from A-1 to M-2) Planning and Zoning Division approval; Planning and Zoning Board approval**

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Gus Aguirre, representing the petitioner, concurred with staff.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12.8 VARIANCE - V 1-2-96, Steed/Wickham and Steed, 6560-6562 SW 49 Street (RM-10) (to reduce the required lot frontage from 100 feet to 66.5 feet; to reduce the required side setback of 20 feet to 15.9 feet) *Planning and Zoning Division approval; Planning and Zoning Board approval as voluntarily amended by petitioner*

Town Clerk Reinfeld swore in the witnesses. Gayle Easterling, Town Planner, read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Carolyn Wickham, the petitioner, had no additional comments.

Mr. Webber asked if anyone wished to provide testimony in regard to this matter. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar made a motion, seconded by Councilmember Santini, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12.9 VARIANCE - V 1-4-96, Flynn/Berry, 571 Royal Palm Way (PRD 3.8) (to reduce the required rear yard from 20 feet to 15 feet) *Planning and Zoning Division approval; Planning and Zoning Board approval*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

Tom Scatino, representing the petitioner, advised that approval had been received from the homeowners association.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Kiar made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12.10 VARIANCE - V 2-1-96, Esquisse Architects, Inc./Lehrer & Company, 3600, 3650, 3700, and 3750 Hacienda Boulevard and 5000 Oakes Road (M-4, Hacienda Village) (to reduce the required building separation from 20 feet to 12 feet) *Planning and Zoning Division approval; Planning and Zoning Board approval*

Town Clerk Reinfeld swore in the witnesses. Ms. Mellgren offered the planning report into evidence and summarized the request.

The petitioner deferred all comments to the planning report.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

Mr. Webber asked if anyone wished to provide testimony in regard to this matter.
No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

Councilmember Santini made a motion, seconded by Councilmember Kiar, to approve. item 12.10 In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12.11 **VARIANCE** - V 2-2-96, Duffy, 9622 Ridgeside Court (PRD 3.6) (to reduce the required side yard from 8 feet to 3.5 feet and to reduce the required rear yard from 8 feet to 4 feet) *Planning and Zoning Division denial; Planning and Zoning Board approval*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report and stated that the following documents were to be included into the record: the application, the subject site map, planning report, and an aerial.

The petitioner advised that approval had been received from the homeowners association.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance. No one spoke.

Mr. Webber stated that the hearing was concluded and Council could deliberate.

Councilmember Santini questioned the size of the pool and the approval by the Planning and Zoning Board. Ms. Mellgren advised that recommendation for approval was based on no objections from the neighbors. Discussion followed.

Councilmember Kiar made a motion to approve. Mayor Venis passed the gavel and seconded the motion. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

12.12 **VARIANCE** - V 2-3-96, DeMello/McDonald's Corp., 4101 SW 64 Avenue (B-2, Western Theme) (to reduce the required open space from 30% to 26.7%) *Planning and Zoning Division approval; Planning and Zoning Board approval*

Town Clerk Reinfeld swore in the witnesses. Ms. Easterling offered the planning report into evidence and offered the planning report into evidence and summarized the request.

Andre Capi, representing the petitioner, was present and indicated that the variance was in response to the Site Plan Committee's request that the petitioner be in compliance with the Western Theme by adding a boardwalk to the front of the building. Vice-Mayor Cox explained the Committee's concerns. Mr. Capi advised that the drawings that had been submitted were in compliance with the Committee's request.

Mr. Webber advised that the condition could be a part of the motion. **(g - he did not open nor close the public hearing)**

Vice-Mayor Cox made a motion, seconded by Councilmember Santini, to approve with the condition that the facade of the current building be preserved and pushed out to the front of the playground so that the building maintains its current appearance. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Mayor Venis closed the public hearing portion of the meeting.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

13. ORDINANCES - FIRST READING *(Public Hearing to be held April 2, 1996)*

13.1 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1 TO M-2; AMENDING THE ZONING MAP OF SAID TOWN TO COMPLY THEREWITH; AND PROVIDING AN EFFECTIVE DATE. (ZB 2-1-96, 5021 SW 51 Street)

Town Clerk Reinfeld read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on this item would be held on April 2, 1996.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

13.2 OCCUPATIONAL TAX SCHEDULE - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 95-38 REGARDING THE TOWN'S OCCUPATIONAL TAX SCHEDULE BY REVISING THE CLASSIFICATION OF RETAILER, WHOLESALER, OR JOBBER IN THE SCHEDULE OF RATES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance - first reading by title only. Mayor Venis advised that a public hearing on this item would be held on April 2, 1996.

Councilmember Santini made a motion, seconded by Councilmember Bush, to approve. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

14. DISCUSSION

14.1 Town of Davie Community Development Block Grant Program

Mr. Flatley advised that because the Town's population was over 50,000, the Town was entitled to receive close to \$500,000 in grant monies from the federal government. He stated that he was urging Redevelopment Administrator Glenn Irwin to prepare the appropriate paperwork.

14.2 Trafficways Update

This item had been previously tabled to April 2, 1996

14.3 Davie Road Truck Traffic Concerns

Mr. Flatley advised that a request had been made for the Town to ask Broward County to post "no thru truck" signs on Davie Road. Councilmember Santini stated that in redeveloping the downtown, this would fit in with the Community Redevelopment Agency. Mr. Flatley added that the Town would have to petition for this road to be removed from the truck route. Assistant Town Administrator Robert Rawls stated that it was generally the County's policy that roads that were a trafficways and constructed with County funds accommodate trucks. He indicated that the Town had a unique situation as there were other alternative corridors that could better accommodate trucks. Mr. Flatley suggested that the schools be requested to participate in asking that the road be removed from the truck route.

An unidentified woman (Marcia Joseph) questioned the difficulty with the

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

removal since McFatter Vocational Technical School had a truck driving school. Mr. Flatley indicated that staff would investigate this matter.

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

Councilmember Bush made a motion, seconded by Councilmember Santini, to approve the request. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

14.4 Westridge Open Space Wetlands Mitigation

Marsa Detscher, Research and Development Coordinator, advised that the Town had the opportunity to work with the GL Homes developer to mitigate approximately six acres wetlands on the west side of Nob Hill Road just west of the Town's open space. She stated that the developer was proposing to construct the wetlands project on the Westridge open space site between the Ridge and Nob Hill Road. Ms. Detscher indicated that the construction would include the actual construction of the water area, uplands, vegetation, planting, and maintenance for at least five years. She advised that this development would be accomplished under the permitting requirement of the Department of Natural Resources, the County and in conjunction with the South Florida Water Management District. Ms. Detscher added that the Town would not assume any responsibility of the property until after the five year period was concluded and the wetlands had been determined to be thriving by the regulatory agencies.

15. TOWN ADMINISTRATOR'S REPORT

15.1 Jimmy Ryce Tree Planting Ceremony (April 2, 1996) and Spring Egg Hunt (April 6, 1996)

This item was discussed earlier in the meeting.

15.2 Broward County Blasting Ordinance Update

Mr. Flatley advised that the County passed two of the Town's concerns - a damage fund and burden of proof. He stated that the Town's request for an independent seismologist was not agreed to. Mr. Flatley thanked Mr. Rawls and Mayor Venis for their efforts on this matter.

15.3 Kapok Grove Estates Site Plan - six month extension

Ms. Mellgren explained that the site plan expired two weeks ago and staff was requesting that a six month extension be granted. She added that this extension would be subject to the applicable fee.

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to add item 15.3 to the agenda. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

Councilmember Santini made a motion, seconded by Vice-Mayor Cox, to approve item 15.3 subject to the applicable fees. In a roll call, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Kiar - yes; and Councilmember Santini - yes. (Motion carried 5-0)

**TOWN COUNCIL
REGULAR MEETING
MARCH 20, 1996
7:00 P.M.**

16. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 9:30 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk